v. *Griffin & Skelley Co.*, 126 Fed. 364, 61 C. C. A. 334, due to a misconception of the holding in *Bement* v. *Nat'l Harrow Co.*, 186 U. S. 70. In view of *Bobbs-Merrill Co.* v. *Straus*, 210 U. S. 339, 52 L. ed. 1086, 28 Sup. Ct. 722, that the owner of a copyright could not control the resale price and also because of a like holding in *Bauer & Cie* v. *O'Donnell*, 229 U. S. 1, 57 L. ed. 1045, 33 Sup. Ct. 616; 12 MICH. LAW REV. 394, that a patentee could not control the resale price of a patented article, although these cases seem in conflict with *Henry* v. *Dick*, 224 U. S. 1, 56 L. Ed. 645, 32 Sup. Ct. 364; 10 MICH. LAW REV. 579, it is impossible to see how a different conclusion could have been reached in the principal case.

MUNICIPAL CORPORATIONS—CONSTITUTIONAL AND STATUTORY PROVISIONS CONCERNING POLICE POWER.—The legislature enacted a statute creating the office of state fire marshal, authorizing the governor to appoint the incumbent thereof. The act empowered such marshal to investigate the cause and surrounding circumstances of every fire in any city, to search for incendiarism, to direct the chiefs of city fire departments in making such investigation, and to order the repair and removal of dangerous and dilapidated buildings. The state constitution provided that "the electors of the city of New Orleans * * * shall have the right to choose the public officers, who shall be charged with the exercise of the police power and with the administration of the affairs of said corporations in whole or in part." *Held*, by a divided court, that the statute in question violated the constitutional provision just mentioned. *State* v. *LaFayette Fire Ins. Co.*, (La. 1913), 63 So. 630.

The theory of the minority decision was that the constitutional provision referred only to the police administration of the city, and did not affect the exercise of the general police power of the state; that part of the statute, at least, referred to a felony—arson—over which the municipality had no jurisdiction. Nor is this theory entirely without merit. In *State* v. *Flower et al.*, 49 La. Ann. 1199, 22 So. 623, wherein an article of an earlier constitution, similar to the one under discussion, was construed, the court said: "The attribute of government we call the police power, resides in the State, can not be relinquished by the Legislature, and if it can be surrendered by the organic law, at least, the abandonment to command judicial acceptance should find the clearest expression. * * * It has never been supposed that the State has parted with all legislative control of such subjects (drainage) by the provision in the Constitution giving to the citizens of New Orleans the appointment of the officers required for the police administration of the city. The police power given to the state, * * * we can not appreciate, is to be abridged by a constitutional provision dealing with the ordinary functions of the police administration of the city, and confiding such duties to the agents selected by the citizens." Moreover, in discussions of the right of local self-government, it is recognized that "the maintenance of peace and quiet, and the suppression of crime and immorality, are matters of general interest, and to the attainment of these ends the cities and towns are largely subject to legislative control." *Arnett* v. *State ex rel.*, 168 Ind. 180, 80 N. E. 153. Yet where,

as in the principal case, the legislature creates an office and provides that its incumbent shall exercise powers some of which are of local and some of state-wide concern, there is authority for adjudging the whole act invalid. *City of Evansville* v. *State ex rel.*, 118 Ind. 426, 4 L. R. A. 93.

NEGLIGENCE—PARENT'S NEGLIGENCE NOT IMPUTED TO CHILD.—The plaintiff, a three-year-old infant, was maimed by the dangerous alluring machinery of the defendant company, around which she was accustomed to play. Her father was manager of the defendant company, resided with her upon the premises and knew of her habit of playing near the uncovered machinery. *Held*, that the parent's negligence could not be imputed to the child, since the child is not responsible for the negligence of its parents. *Clover Creamery Co.* v. *Diehl* (Ala. 1913) 63 So. 196.

The decision in the principal case represents the trend of modern decisions and the weight of authority. *Neff* v. *City of Cameron*, 213 Mo. 350, 18 L. R. A. N. S. 320; *Union Pac. Ry. Co.* v. *Young*, 57 Kan. 168, 45 Pac. 580; *City of Murphyboro* v. *Woolsey*, 47 Ill. App. 447. In the extensive note in 18 L. R. A. N. S. 320 the annotator declares that since 1892 the decisions in nearly all the states except New York (which continues to follow *Hatfield* v. *Roper*, 21 Wend. 615, 34 Am. Dec. 273) have been in favor of the doctrine of the principal case. Cases appearing to announce a contrary rule are *Holly* v. *Boston Gas Light Co.*, 74 Mass. 123, 69 Am. Dec. 233, and *Leslie* v. *City of Lewiston*, 62 Me. 468. See 4 MICH. L. REV. 79, 167; 9 ID. 165.

RAILROADS—INJURIES TO TRESPASSERS—CARE AFTER INJURY.—Decedent, while riding on one of defendant's freight trains, was thrown off and received serious injury. While utterly helpless and bleeding profusely, he was placed by defendant's agents and servants, over his protest, in an unheated box car, where he was allowed to remain without medical attention or other care for about four hours, and in consequence of such exposure and negligence he bled to death before reaching a hospital to which he was subsequently taken. *Held*, that, though defendant was not liable for the original injury, its servants having assumed control over decedent over his protest and with knowledge of his imminent peril, their conduct amounted to wanton negligence in decedent's treatment, for which defendant was liable. *Slater* v. *Illinois Cent. R. Co.* (C. C. Tenn. 1913) 209 Fed. 480.

The authorities generally agree that a railroad company, free from negligence in injuring a trespasser, cannot be made liable on the ground that its servants were negligent in caring for him after the accident. The railroad company is under no legal obligation—however strong the moral obligation—to take charge of the wounded man. If the law were otherwise "no humane or gratuitous act could be done without subjecting the doer of it to an action on the ground that the defendant ought to have acted more quickly or with more judgment." *Union Pac. R. Co.* v. *Capper*, 66 Kans. 649; *Griswold* v. *Boston etc. R. R. Co.*, 183 Mass. 434; *Kendall* v. *Louisville & N. R. Co.*, 25 Ky. Law Rep. 793; Contra; *Northern C. R. Co.* v. *State*, 29 Md. 420; *Baltimore & O. R. R. Co.* v. *State*, 41 Md. 268; *Whitesides* v. *Southern R. Co.*,